

REMARKS

The examiner rejected claim 1 as being anticipated by Creel and claims 2-19 as being unpatentable over Creel in view of other prior art.

Independent claims 1 and 11 are amended to more exactly claim the structure of the present invention. Creel (U.S. Patent No. Des. 407,461) discloses a fish hook remover with an end section having a distinct curve, being essentially circular in shape. The end section of the present invention, on the other hand, is considerably longer and straighter than the device disclosed by Creel. No new matter is introduced because the structure as defined by the amended claims is clearly disclosed in Figure 1.

Further, the differences between cited prior art and the present invention do not amount to a "mere matter of choice." The structure of the present invention allows the device to be used within the mouths of fish having smaller mouths than Creel device because of the narrow and long nature of the loop, and the terminal section outwardly extending from the elongate shank, not found in Howell (U.S. 3,888,038) or Reed (U.S. 6,397,513) (both of which have elongate shanks with a U-shaped narrow loop), aids a user in threading a fishing line or hook into the narrow loop of the device. While it may be true in some cases that a particular shape of a product is of no patentable significance, this is not so when the shape results in a product which is distinct from the reference product, *Ex parte Hilton*, 148 U.S.P.Q. 356, (1965), as is the case here.

In view of the amendments herein, claims 1-19 are now patentably distinct. Allowance of claims 1-19 and passage to issue is requested.

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Respectfully submitted,



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